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SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1983

SECURITIES AND EXCHANGE)	
COMMISSION, et al.,)	
)	
Petitioners,)	NO. 83-751
)	
v.)	MOTION FOR ARGUMENT BY
)	MORE THAN ONE COUNSEL
JERRY T. O'BRIEN, INC. et al.,)	
)	
Respondents.)	
)	

Respondents, Jerry T. O'Brien, Inc., and Jerry T. O'Brien (hereinafter "O'Brien") and co-respondents H. F. Magnuson & Company and H. F. Magnuson (hereinafter "Magnuson") respectfully move for an order allowing more than one counsel to present oral argument in this matter.

1. Basis of Motion. This motion is based upon United States Supreme Court Rule 38.4 and Rule 42.

2. Grounds for Motion. The grounds for this motion are as follows:

A. Throughout the entire history of this litigation, respondents and co-respondents have been separately represented by different law firms. Respondents have been represented by the Seattle, Washington, law firm of LeSourd & Patten. Co-respondents Magnuson have been represented by the Spokane, Washington, law firm of Witherspoon, Kelley, Davenport & Toole, P.S. In all lower court proceedings, counsel have argued separately.

B. This action was commenced by respondent O'Brien against the Securities and Exchange Commission and against co-respondents Magnuson. O'Brien sought to enjoin investigatory conduct by the SEC and also sought to enjoin Magnuson's compliance with outstanding SEC subpoenas. Magnuson thereafter cross-claimed against the SEC. As set forth below, O'Brien's claims for relief differ significantly from Magnuson's claims for relief.

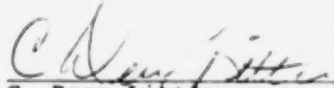
C. Although they share some issues in common, the positions of respondents O'Brien and co-respondents Magnuson differ as follows:

(1) The Commission by formal order S-1555 has determined to investigate Magnuson and authorized staff to issue subpoenas for purposes of such investigations. Numerous third-party subpoenas have been issued which exceed the scope of the formal order and which demand production of information wholly irrelevant to any legitimate investigative purpose expressed in the order.

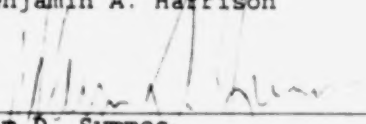
(2) The Commission has made no determination to investigate O'Brien. SEC staff has informed O'Brien he is under investigation under formal order S-1555 although (i) the order does not name O'Brien, (ii) staff previously informed O'Brien he was not a target under the order, and (iii) staff has indicated the investigation of O'Brien is for violations not specified in the order. O'Brien asserts that the SEC lacks authority under statute and SEC regulation to investigate it without Commission determination to do so. O'Brien further asserts that SEC subpoenas demanding information on it are unenforceable because the Commission has not designated and authorized staff to issue such subpoenas as authorized by law.

3. Relief Requested. Respondents O'Brien and co-respondents Magnuson each seek an order of this Court allowing more than one counsel to argue on behalf of respondents' side in this matter. This should not unduly delay or belabor oral argument on this matter. This would, in the opinion of each movant, aid the presentation of its respective position and allow the Court opportunity to inquire fully into each position as the Court may deem appropriate.

DATED: March 8, 1984.


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CERTIFICATE OF SERVICE

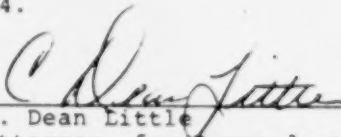
I hereby certify that all parties required to be served have been served copies of the foregoing Motion for Argument by More Than One Counsel, by airmail on March 9, 1984, addressed to:

Rex E. Lee
Solicitor General of the United States
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with proper first-class postage thereon prepaid. I am a member of the Bar of the Supreme Court of the United States.

DATED March 9, 1984.



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